

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

SOUTH CAROLINA FREEDOM CAUCUS,

*Plaintiff,*

v.

WALLACE H. JORDAN, JR., J. DAVID WEEKS,  
BETH E. BERNSTEIN, PAULA RAWL CALHOON,  
MICAHAH P. CASKEY, IV, NEAL A. COLLINS,  
JOHN RICHARD C. KING, ROBBY ROBBINS, J.  
TODD RUTHERFORD, AND LEONIDAS E.  
STAVRINAKIS, in their official capacities as  
members of the HOUSE OF REPRESENTATIVES  
LEGISLATIVE ETHICS COMMITTEE,

*Defendants.*

Civil Action No. 3:23-cv-00795-CMC

**MOTION FOR SUMMARY  
JUDGMENT**

Under Federal Rule of Civil Procedure 56, Plaintiff South Carolina Freedom Caucus moves for summary judgment. As explained more fully in the Plaintiff’s memorandum of law supporting this motion, South Carolina law bans legislative caucuses formed by certain speakers from engaging in core political speech, even as it permits favored caucuses—those formed around party, race, or gender—to engage in that speech. The favored caucuses may campaign, solicit funds, and otherwise speak. All other legislative caucuses are banned from “engag[ing] in any activity that would influence the outcome of an election or ballot measure.” S.C. Code Ann. § 2-17-10(21). The discriminatory ban on protected political speech violates the First and Fourteenth Amendments to the U.S. Constitution.

Because no genuine disputes of material fact exist or could be relevant to this conclusion, the Plaintiff moves the Court to grant summary judgment in its favor and declare that South Carolina’s legislative special interest caucus speech restrictions violate the First and Fourteenth Amendments. Plaintiff also asks the Court to permanently enjoin Defendants, their employees, agents, successors, and all others acting in concert or participating with them from enforcing these

discriminatory speech restrictions, including those found in S.C. Code Ann. §§ 2-17-10(21), 2-17-110(J), and 8-13-1333(C).

Included with this motion are a supporting memorandum of law, the Declaration of Christopher Mills, the Declaration of Representative Adam M. Morgan, and a proposed order.

Respectfully submitted,

/s/ Christopher Mills

Gene P. Hamilton (motion for admission  
*pro hac vice* forthcoming)  
Reed D. Rubinstein (motion for admission  
*pro hac vice* forthcoming)  
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March 15, 2023